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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/773,981	12/26/96	LAUGHLIN R	ERICP0300US

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EXAMINER	
RAMIREZ, R	
ART UNIT	PAPER NUMBER
3505	

DATE MAILED:

09/29/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.

08/773,981

Applicant(s)

Raymond S. Laughlin

Examiner

RAMON O. RAMIREZ

Group Art Unit

3505



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-33 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-33 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Detailed Action

This is the first Office Action corresponding to the original filing.

Drawings

The drawings are approved as filed.

Claim Rejections - 35 USC § 112

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In several claims, for example claim 1, the word "means" is preceded by the word(s) "to secure" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

In claim 19, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrault et al. (Pat. No. 4,039,131).

The patent to Perrault et al. shows a conduit holder shaped in form of a J, having stiffening flanges (14, 15) and a plurality of openings to be attached to a structure (29). The flanges in the patent are shown inwardly but to make them outwardly would have been seen as a matter of engineering choice involving a reversal of parts.

Claims 5, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrault et al. in view of Garrett et al. (Pat. No. 5,427,338).

The patent to Garrett et al. shows conduit support having a tie (52) for securing the conduit(s). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provide the conduit support shown by Perrault et al. with a tie as shown by Garrett et al. to secure the conduits and provide extra protection to the conduits.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrault et al. in view of Garrett et al. and Bruno (5,542,631).

The patent to Bruno shows a conduit holder having a plurality of holes for adjustability. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have

provide the combination set forth above with a plurality of holes as shown by Bruno for adjustability; to make one of the holes threaded is considered to be obvious to receive a threaded fastener.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrault et al. in view of Cubit et al. (4,709,888).

The patent to Cubit et al. shows a conduit holder comprising a bracket and means for securing a plurality of conduit support to the bracket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the device shown by Perrault et al. with a bracket for securing a plurality of conduit support as shown by Cubit et al. to support more conduits. The anti twist dimples recited in claim 15 is considered to be common knowledge to those skilled in the art.

Claims 19, 20, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrault et al. in view of Urbain (2,285,632).

Urbain shows a conduit holder comprising a spaced support for supporting the conduits. The specific distance is seen as a matter of engineering choice, as it is the securing means recited in claims 27-30.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrault et al. in view Urbain and Garrett et al.

The patent to Garrett et al. (Pat. No. 5,427,338) shows conduit support having a tie (52) for securing the conduit(s). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provide the conduit support shown by the combination set forth

above with a tie as shown by Garrett et al. to secure the conduits and provide extra protection to the conduits.

Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrault et al. in view Urbain and Cubit et al.

The patent to Cubit et al. shows a conduit holder comprising a bracket and means for securing a plurality of conduit support to the bracket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the device shown by the combination set forth above with a bracket for securing a plurality of conduit support as shown by Cubit et al. to support more conduits.

Allowable Subject Matter

Claims 16-18, 21-23, and 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nordyke (622,778) show conduit holder comprising spaced supports and groove on the supports. Robinson (887,272) shows a plurality of conduit supports attached to a bracket. Joas et al. (5,135,187) show a tie for securing conduits. The British patent (1,042,814) shows conduit supports attached to a hook bracket.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner **Ramirez** at telephone number (703) 308-0748. The examiner can be normally reached on Monday-Thursday from 6:30 AM - 4:00 PM. The examiner can also be reached on alternate Fridays from 6:30 through 3:00 PM.

The fax numbers for this Group are (703) 308-3691 (for informal papers) and (703) 305-3597 or, 3598 for official papers.

Any inquiry of general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

R.O.RAMIREZ (14)
September 24, 1997


RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 3505